

(2:50 - 2:51)

JP:GMP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-09-128

- - - - -X

UNITED STATES OF AMERICA

- against -

SONIA GARCIA, *from appointed*
YAMIRETZY MENDEZ-MALDONADO,
Defendants.

PRE-ARRAIGNMENT
C O M P L A I N T
(21 U.S.C. §§ 952(a)
and 960)

CJA Michael Hughes appointed

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

GLENN BUCHAN, being duly sworn, deposes and states that he is a Special Agent with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about February 9, 2009, within the Eastern District of New York and elsewhere, defendants SONIA GARCIA and YAMIRETZY MENDEZ-MALDONADO did knowingly, intentionally and unlawfully import into the United States from a place outside thereof heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. At approximately 10:06 p.m. on February 9, 2009 defendants SONIA GARCIA and YAMIRETZY MENDEZ-MALDONADO arrived at John F. Kennedy International Airport in Queens, New York, aboard Lan Ecuador Airlines Flight No. XL 538 from Guayaquil, Ecuador.

2. During a routine examination, a Customs and Border Protection ("CBP") Inspector noticed that defendant SONIA GARCIA was traveling on a newly-issued passport. She had two bags in her possession, one "Verdi" suitcase and one brown pocketbook, and stated that she had no checked luggage. The individual with whom the defendant was traveling, defendant YAMIRETZY MENDEZ-MALDONADO stated that she did have checked luggage and proceeded back to the baggage claim belt.

3. During the examination, CBP Inspectors noticed that defendant YAMIRETZY MENDEZ-MALDONADO had two bags in her possession, one black carry-on bag and one black cosmetic case. After defendant stated that she had a checked bag, she proceeded back to the baggage claim belt where she placed the black cosmetic bag on the baggage claim belt. A passenger service agent retrieved the black cosmetic bag and gave it to

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

CBP Inspectors.

4. CBP Inspectors then escorted defendant YAMIRETZY MENDEZ-MALDONADO to a private search area and conducted an examination of defendant's luggage. During the examination of defendant's black cosmetic bag, CBP Inspectors discovered 22 pellets. One of the pellets field-tested positive for the presence of heroin.

5. Defendant YAMIRETZY MENDEZ-MALDONADO was then placed under arrest. A pat-down of defendant revealed two pellets in her underwear. One of the pellets field-tested positive for the presence of heroin.

6. Defendant YAMIRETZY MENDEZ-MALDONADO then was presented with an x-ray consent form, which she read, appeared to understand and signed. At that time, defendant admitted that she had swallowed narcotics.

7. Defendant YAMIRETZY MENDEZ-MALDONADO was transported to the medical facility at John F. Kennedy International Airport, where an x-ray was taken of defendant's intestinal tract, which was positive for foreign bodies. On February 9, 2009 at approximately 10:35 p.m., the defendant passed 8 pellets, one of which field-tested positive for the presence of heroin. The defendant was then placed under arrest.

8. Defendant YAMIRETZY MENDEZ-MALDONADO will be

detained at the JFK medical facility until such time as she has passed all the pellets contained within her intestinal tract.

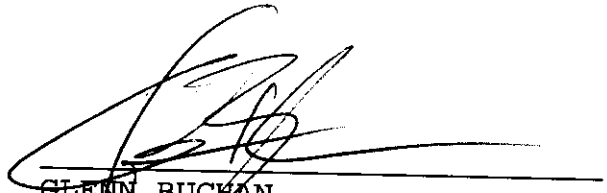
9. CBP Inspectors conducted a baggage search of defendant SONIA GARCIA's luggage. During the examination of defendant's brown pocketbook, CBP Inspectors discovered a yellow plastic bag that contained ten pellets. Defendant was escorted to a private search room where one pellet was field tested. The pellet field-tested positive for the presence of heroin. Defendant was then placed under arrest.

10. Defendant SONIA GARCIA then was presented with an x-ray consent form. At that time, she admitted that she had inserted pellets of narcotics into her anus. Defendant then informed inspectors that she was pregnant.

11. Defendant SONIA GARCIA was transported to the medical facility at John F. Kennedy International Airport for monitored bowel movements. On February 9, 2009 at approximately 11:15 p.m., the defendant passed 3 pellets, one of which field-tested positive for the presence of heroin.

12. Defendant SONIA GARCIA will be detained at the JFK medical facility until such time as she has passed all the pellets contained within her anus.

WHEREFORE, your deponent respectfully requests that defendants SONIA GARCIA and YAMIRETZY MENDEZ-MALDONADO be dealt with according to law.



GLENN BUCHAN
Special Agent
Immigration and Customs
Enforcement

Sworn to before me this
10th day of February, 2009

~~UNITED STATES~~ MAGISTRATE JUDGE
EASTERN/DISTRICT OF NEW YORK